

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALFRED S. KING,

Plaintiff,

vs.

**Case No.: 2:18-cv-1792
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

CARL BOWEN, *et al.*,

Defendants.

ORDER

On January 14, 2019, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* be granted and that Plaintiff's Complaint be dismissed for failure to state a claim upon which relief can be granted. (*See Order and Report and Recommendation*, Doc. 3). The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Order and Report and Recommendation*. (*See* Doc. 4). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff merely restates the same allegations made in his Complaint. As the Magistrate Judge correctly concluded, Plaintiff's conclusory allegations of unconstitutional conduct are insufficient to maintain this case. Further, Plaintiff does not satisfy the diversity jurisdiction requirements. He has failed to state sufficient grounds to review the Magistrate Judge's well-reasoned *Order and Report and Recommendation*. Plaintiff's general objections are not

sufficient to preserve any issues for review, and “[a] general objection to the entirety of the magistrate’s report has the same effects as would a failure to objection.” *Howard v. Sec’y of H.H.S.*, 932 F.2d 505, 509 (6th Cir. 1991).

To the extent Plaintiff has requested in his objections to amend his Complaint, the Court finds that any amendment would be futile and therefore denied. Plaintiff has also asked the Court to take Judicial Notice of the Franklin County records, however, the records do not correct the deficiencies in Plaintiff’s Complaint. Therefore, for the reasons stated in detail in the *Order and Report and Recommendation*, this Court finds that Plaintiff’s Objections are without merit and are hereby **OVERRULED**.

The *Order and Report and Recommendation*, Document 3, is hereby **ADOPTED** and **AFFIRMED**. Plaintiff’s Complaint is hereby dismissed without prejudice.

The Clerk shall remove Documents 3 and 4 from the Court’s pending motions list. The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT